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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,811	08/25/2006	Michael Kluge	294533US0PCT	2170

22850 7590 08/21/2009
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EXAMINER

MARTIN, LAURA E

ART UNIT	PAPER NUMBER
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2853

NOTIFICATION DATE	DELIVERY MODE
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08/21/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/590,811	Applicant(s) KLUGE ET AL.	
	Examiner LAURA E. MARTIN	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/25/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/7/06, 5/8/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Acknowledgement is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed on 8/25/06.

Information Disclosure Statement

Acknowledgement is made of the information disclosure statement (IDS) submitted on 12/7/06 and 5/8/07. The submission is in compliance with the provisions of 37 CFR 1.97.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 7, 8 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito et al. (US 2003/0097960 A1).

Ito et al. disclose the following claim limitations:

As per claim 1: an aqueous recording fluid comprising at least one disperse dye [0046] and at least two wetting agents that are selected from acetylene derivatives or

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acetylene derivatives and alkoxyated or nonalkoxyated silicones [0109] – [0112] (a combination of two or more acetylene glycol surfactants may be used).

As per claim 2: the at least two wetting agents are selected from alkoxyated silicones and alkoxyated or nonalkoxyated acetylene derivatives [0109] - [0112] (a combination of two or more acetylene glycol surfactants may be used).

As per claim 5: up to 2% by weight of the at least two wetting agents as based on the total weight of the recording fluid [0113].

As per claim 7: an ink for an ink jet process comprising a recording fluid as taught in claim 1 [0019] - [0020], [0046] and [0109] - [0112].

As per claim 8: a process for printing substrates (paper) by an ink jet process comprising an ink [0113].

As per claim 12: a printed substrate obtained by a process according to claim 8 [0168] and [0113].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (US 2003/0097960 A1).

Ito et al. disclose the following claim limitations:

As per claim 3: the recording liquid further comprises a dispersant [0066] and [0097] – [0100]. While Ito et al. do not specifically disclose using a dispersant with a disperse dye, it would have been obvious to one of ordinary skill in the art at the time of the invention that a dispersant could be used with a disperse dye, as said disperse dye could be used in combination with pigments as evidenced in [0100].

As per claim 6: a process for producing a recording fluid comprising mixing at least one disperse dye [0046], at least two wetting agents that are selected from acetylene derivatives or acetylene derivatives and alkoxyated or nonalkoxyated silicones [0109] – [0112] (a combination of two or more acetylene glycol surfactants may be used), if appropriate, at least one dispersant [0066] and [0097] - [0100], water [0115], and if appropriate, further assistants [0117] - [0120]. Also, While Ito et al. do not specifically disclose creating an ink composition by mixing the above listed ingredients, it would have been obvious to one of ordinary skill in the art at the time of the invention that in order to form an ink composition containing the ingredients, they would need to be mixed together in one or more steps.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (US 2003/0097960 A1) in view of Nagashima et al. (US 2002/0047884 A1).

Ito et al. disclose the following claim limitations:

As per claim 4: the recording fluid of claim 1.

Ito et al. do not disclose the following claim limitations:

As per claim 4: a recording fluid that comprises wetting agents whose weight ratio is in the range of 1:20 to 20:1.

Nagashima et al. disclose the following claim limitations:

As per claim 4: a recording fluid that comprises wetting agents whose weight ratio is in the range of 1:20 to 20:1 [0268] (Table 1-1: Surfonyl 440 and Surfonyl 465 are acetylene derivatives).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the recording fluid taught by Ito et al. with the disclosure of Nagashima et al. in order to provide a stable and reliable image that has a reduced rate of deterioration. Even though Nagashima et al. and Ito et al. use different types of colorants, it would have been obvious to one of ordinary skill in the art at the time of the invention that different types of colorants can be used in ink compositions; it also would have been obvious to one having ordinary skill in the art that a variety of surfactants in varying amounts can be used in different ink compositions.

Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (US 2003/0097960 A1) in view of Xu (US 5746816 A).

Ito et al. disclose the following claim limitations:

As per claims 9-11: the recording fluid of claims 1 and 8.

Ito et al. do not disclose the following claim limitations:

As per claim 9: a transfer printing process.

As per claim 10: printing on a textile substrate.

As per claim 11: printing on a substrate comprising polyester.

Xu discloses the following claim limitations:

As per claim 9: a transfer printing process (column 9, lines 55-60).

As per claim 10: printing on a textile substrate (column 9, lines 55-60).

As per claim 11: printing on a substrate comprising polyester (column 9, lines 55-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the process of using printing fluid taught by Ito et al. with the disclosure of Xu in order to reduce undesired color modification and improve optical density. Printing onto different types of substrates would have been obvious to one of ordinary skill in the art at the time of the invention.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kluge et al. (US 2007/0157849 A1) -- common assignee and same filing date -- two wetting agents that can be selected from acetylene derivatives; however, it is silent on wetting agents selected from alkoxylated or nonalkoxylated silicones.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA E. MARTIN whose telephone number is

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(571)272-2160. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura E. Martin/
Examiner, Art Unit 2853